

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS PRODUCTS  
LIABILITY LITIGATION (No. IV)

BENJAMIN HILL CARTER, JR.

v.

FIBERBOARD CORP., et al.

Consolidated Under  
MDL DOCKET NO. 875

E.D. PA Civil Action No.  
09-cv-74351\*

09-74410 file  
Transferor Court:

S.D. Georgia  
91-00164

**FILED**

**FEB 29 2012**

MICHAEL KUNZ, Clerk  
U.S. District Court

**ORDER**

AND NOW, this 28 day of February, 2012, upon consideration of the pleadings and the record herein, and after review of the Report and Recommendation of M. Faith Angell, United States Magistrate Judge, it is hereby **ORDERED** that:<sup>1</sup>

Defendant CSX Transportation's Motion to Strike the Rebuttal Expert Report of Dr. James Millette [See Docket #23] is **GRANTED**. This expert report fails to directly rebut the Defendant's experts and Plaintiffs have presented no justification for a delayed expert report.

It is further **ORDERED** that Judge Angell's Report and Recommendation is **APPROVED** and **ADOPTED**.

BY THE COURT:

Feb. 28, 2012

  
EDUARDO C. ROBRENO, J.

\* This ruling applies to all of the cases in which Dr. Millette has been offered as a "rebuttal" expert as identified in Exhibit "A."

<sup>1</sup> No objections have been filed.